

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL T FALK, No C 08-1109 VRW
Appellant, ORDER
v
SHANNON M FALK,
Appellee.

On April 11, 2008, the clerk filed a notice of briefing directing appellant to serve and file his opening brief by May 5, 2008. Doc #4. This notice was mailed to appellant's counsel, Craig A Burnett, but was returned as undeliverable. Doc #5. Appellant has not filed his opening brief pursuant to the April 11 notice of briefing.

On May 30, 2008, appellant filed a motion, pursuant to FRBP 9006(b)(1), to enlarge time based on Burnett's excusable neglect. According to the Burnett's declaration, the April 11 notice was sent to an address that Burnett had not used for seventeen years. Burnett erroneously believed that the district court's filings would appear on the bankruptcy court's electronic

1 docket. As a result of this belief, Burnett did not register for
2 the district court's electronic filing system until May 28.
3 Although Burnett's updated address appeared on the papers filed
4 with the appeal, it appears that the court sent the April 11 notice
5 to Burnett's old address, which was the only address in the
6 district court's records until Burnett updated his information when
7 he registered for the district court's electronic filing system.

8 Because appellee has not opposed appellant's motion and
9 for good cause shown, appellant's motion to enlarge time is
10 GRANTED. Appellant shall file and serve his opening brief on or
11 before July 9, 2008. Appellee shall serve and file an opposition
12 brief on or before July 29, 2008. Appellant shall serve and file a
13 reply brief, if any, on or before August 8, 2008. The matter will
14 be then deemed submitted for decision without oral argument, unless
15 the court orders otherwise.

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17 IT IS SO ORDERED.

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20 VAUGHN R WALKER
21 United States District Chief Judge
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